

AN ACT

ENTITLED, An Act to provide certain provisions regarding inmate assault against Department of Corrections or county jail employees and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as follows:

Any convicted person under the jurisdiction of the Department of Corrections who intentionally throws, smears, or otherwise causes blood, emesis, mucus, semen, excrement, or human waste to come in contact with a Department of Corrections employee, or visitor, or volunteer authorized by the Department of Corrections, or person under contract assigned to the Department of Corrections is guilty of a Class 6 felony.

Section 2. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as follows:

A penitentiary sentence arising from a conviction pursuant to section 1 of this Act may not commence until the expiration, with no allowance of good time, of the last sentence of imprisonment, pursuant to § 23A-27-36.

Section 3. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as follows:

An inmate sentenced pursuant to section 1 of this Act shall serve the entire term of the sentence and is not eligible for parole release as authorized under chapter 24-15A.

Section 4. That § 22-18-1.1 be amended to read as follows:

22-18-1.1. Any person who:

- (1) Attempts to cause serious bodily injury to another, or causes such injury, under circumstances manifesting extreme indifference to the value of human life;
- (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous

weapon;

- (3) Attempts to cause or knowingly causes any bodily injury to a law enforcement officer or other public officer engaged in the performance of the officer's duties;
- (4) Assaults another with intent to commit bodily injury which results in serious bodily injury;
- (5) Attempts by physical menace with a deadly weapon to put another in fear of imminent serious bodily harm; or
- (6) Is a convicted person under the jurisdiction of the Department of Corrections and attempts to cause, or knowingly causes bodily injury to a Department of Corrections employee, or authorized visitor, volunteer, or person under contract assigned to the Department of Corrections;

is guilty of aggravated assault. Aggravated assault is a Class 3 felony.

Section 5. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Section 6. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as follows:

Any person convicted of a felony and confined in a county jail who intentionally throws, smears, or otherwise causes blood, emesis, mucus, semen, excrement, or human waste to come in contact with a county jail employee, or visitor, or volunteer authorized by the county jail, or person under contract assigned to the county jail is guilty of a Class 6 felony.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1259

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1259
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State